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10 UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 MITCH HIGHTOWER, OXANE "GYPSY") Case No.: C 12-5841-EMC
12 TAUB, GEORGE DAVIS, RUSSELL MILLS,)
13 and on behalf of all persons similarly situated,) Stipulation and Order Continuing Hearing on
14 Plaintiff,) Motion for Class Certification (Dkt. 10)
15 vs.)
16 CITY AND COUNTY OF SAN)
17 FRANCISCO, DAVID CHIU in his official)
18 capacity only as President of the Board of)
19 Supervisors of the City and County of San)
20 Francisco, SCOTT WEINER in his official)
21 capacity only as a member of the Board of)
22 Supervisors of the City and County of San)
23 Francisco, and ANGELA CALVILLO, in her)
24 official capacity only as Clerk of the Board of)
25 Supervisors,)
Defendants.)
Defendant)

18 **Stipulation and Order Continuing Hearing on Motion for Class Certification (Dkt. 10)**

19 COMES NOW Plaintiffs, by and through their attorney of record Ms. Christina A.
20 DiEdardo, Esq., and Defendants, by and through their attorney of record Deputy City Attorney
21 Tara M. Steely, and hereby stipulate and agree as follows:

22 1. The Plaintiffs will ask the Court, if it ultimately orders the issuance of a preliminary
23 injunction barring the enforcement of part of or the entire ordinance, to order that said
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1 injunction shall restrain the Defendants from enforcing the ordinance against all
2 persons, not just the four named Plaintiffs.

3 2. Defendants agree to obey any orders entered by the Court, without prejudice to the
4 City's right to appeal or otherwise challenge any orders that are adverse to
5 Defendants.

6 3. In light of Paragraphs 1 and 2 above, Plaintiffs agree to have the January 4, 2013
7 hearing on their Motion for Class Certification continued until at least thirty-five (35)
8 days after the Court rules on their Motion for a Preliminary Injunction. The parties
9 shall meet and confer after the Court has issued its ruling on the requested injunction
10 and reach a mutually agreeable date for the Motion for Class Certification to be
11 heard, which shall also determine the date for the Defendants to file an opposition to
12 said motion, if they desire. If the parties are unable to agree on a new date for the
13 Motion to be heard, Plaintiff shall re-notice the motion in the ordinary course.

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15 /s/Christina A. DiEdoardo

16 Christina A. DiEdoardo
17 California Bar No. 258714
18 Attorney for Plaintiffs

/S/Tara M. Steeley

Tara M. Steeley
California Bar No. 231775
Attorney for Defendants

19 Date: Nov. 20. 2012

Date: November 26, 2012

ORDER

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2 Based on the stipulation of the parties and good cause appearing, the Court rules as
3 follows:

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1. The January 4, 2013 noticed hearing on Plaintiffs' Motion for Class Certification is hereby continued until at least thirty-five days after the Court rules on Plaintiff's Motion for a Preliminary Injunction. After the Court has issued its ruling on the Motion for a Preliminary Injunction on or after January 17, 2013, the Parties shall meet and confer to come up with a date for the Motion for Class Certification to be heard, which shall also govern the due date for the Defendants to file an Opposition to the Motion, if they desire. If the Parties are unable to agree, Plaintiff shall re-notice the Motion for Class Certification in the ordinary course.

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IT IS SO ORDERED.

